

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.182 OF 2006

Jindas Gulabchand Bhagari & Ors....Petitioners

Vs.

Union of India & Ors.....Respondents

Mr.Rafeeq P. Mohideen with Mr. Bishwrup Chakrabarti

i/b. Paras Kuhud & Associates for the Petitioner.

Mr. Rajiv Chavan with Ms. Ritu Singh i/b. T.C.

Kaushik for Respondent No.1.

Mr. M.D. Naik, AGP for Respondent No.3.

Ms. Rekha Tawde, i/b.M.V. Kini & Co., for
the Respondent No.2.

CORAM: F.I. REBELLO &

ANOOP V. MOHTA, JJ.

DATE :31ST MARCH, 2006.

P.C.

Rule. Heard forthwith.

2. Petitioners, whose lands were acquired and who have an order in their favour passed in Appeal NO.183 of 1986 on October 17, 1974 had after 30 years to come back again to this Court for justice. The respondents seems to be unmindful of the plight of the petitioners. This Court had directed the respondent No.3 to act in accordance with law for determining the compensation payable to the Appellants therein, the petitioners herein and if there be failure by the parties to reach an agreement on the amount which the respondent No.3 had arrived at then on such failure the Central Government was to appoint an Arbitrator as contemplated under Section 8 of the Requisitions and Acquisition of Immovable Property Act, 1952 for determination of the compensation payable to the Appellants, petitioners herein.

3. After notice from this Court on behalf of the

respondent No.3 their learned Counsel states that they

are now trying to trace out the records. This is really unpardonable. Respondent No.3 is directed within eight weeks from today, if valuation has yet not been done to do the valuation and to communicate the same to the petitioners and respondent No.2. The petitioner and Respondent No.2 communicate to Respondent No.3 if they agree to the said valuation within two weeks on receipt of the communication. If on receipt of the communication of the valuation the petitioners and respondent No.2 do not agree to the same the respondent No.3 to refer the matter to the respondent No.1 who within a period of eight weeks thereafter will appoint an Arbitrator in terms of Section 8 of the Requisition & Acquisition of Immovable Property Act, 1952 even if the Act is repealed considering that the proceedings had been initiated under the said Act. In the circumstances of the case we do not propose to impose costs. If the directions of this Court are not complied with the Court will think of imposing costs upto Rs.1.00 lakh which will be recovered from the officers who have been authorised to take decision. Liberty to the Petitioner to apply to this Court for necessary direction.

(F.I. REBELLO J)

(ANOOP V. MOHTA, J.)